

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO, EASTERN DIVISION**

OHIO A. PHILIP RANDOLPH INSTITUTE, <i>et al.</i>	:	
	:	
Plaintiffs,	:	Case No. 2:16-cv-00303
	:	
v.	:	JUDGE GEORGE C. SMITH
	:	
SECRETARY OF STATE, JON HUSTED	:	Magistrate Judge Deavers
	:	
Defendant.	:	

**JOINT STIPULATION AND ORDER RELATED TO
THE SPECIAL ELECTION ON AUGUST 7, 2018**

The Parties participated in mediation on July 27, 2018. The Parties were unable to reach a resolution as to the entirety of Plaintiffs’ second cause of action, limited to the form of the confirmation notice used in Ohio’s Supplemental Process. Upon consideration of this matter and the Parties’ consent to resolve their disagreement related to the special election on August 7, 2018, this Court orders that the three Orders allowing certain voters to cast provisional ballots in recent elections (Docs. 89, 92, and 93) (together, the “APRI Exception”) shall be reinstated, in part, and implemented for the limited and sole purpose of the special election on August 7, 2018. While the APRI Exception is implemented for the special election on August 7, 2018, any portion of Docs 89, 92, or 93 that prohibit or limit the Supplemental Process or notices thereunder are not reinstated and remain vacated. The Secretary shall issue a directive or directives implementing the APRI Exception for the special election on August 7, 2018.

The Parties recognize that this Court vacated the Orders related to the APRI Exception (Doc. 121) after the ruling by the United States Supreme Court on June 11, 2018 related to the State’s use of the Supplemental Process. The Parties also recognize that this Order furthers judicial

efficiency, avoids expedited and possibly extensive briefing on the eve of the special election, and eliminates uncertainty related to the special election. All parties have reviewed and consent to this Order.

This Order and the re-implementation of the APRI Exception for the limited and sole purpose of the special election on August 7, 2018, shall not be considered the status quo of election administration in Ohio and shall not be of precedential value for either Party in any briefing and litigation of Plaintiffs' second cause of action. The Secretary's arguments against any remedy proposed by Plaintiffs are preserved and shall not be affected, prejudiced, or diminished in any way by this Order. Neither Party is considered a prevailing party with respect to this Order. Neither side shall seek fees or costs related to this Order, the mediation, or work associated with the mediation or obtaining this Order.

Regarding the portion of the Order of July 11, 2018 (Doc #123) requiring the parties to "prepare an agreed entry with respect to the future operation of the Supplemental Process and the use of this Confirmation Notice on or before August 1, 2018," that portion of the Court's Order is vacated based on the mediation.

Respectfully submitted,

s/Naila Awan

NAILA AWAN, Trial Attorney (0088147)
STUART C. NAIFEH*
Demos
80 Broad St., 4th Flr.
New York, NY 10004
Telephone: 212-485-6055
nawan@demos.org
snaifeh@demos.org

MICHAEL DEWINE (0009181)
Ohio Attorney General

s/Steven T. Voigt

STEVEN T. VOIGT (0092879)
Principal Assistant Attorney General
HEATHER L. BUCHANAN (0083032)
Senior Assistant Attorney General
Constitutional Offices Section
30 East Broad Street, 16th Floor
Columbus, Ohio 43215
Tel: (614) 466-2872; Fax: (614) 728-7592

FREDA J. LEVENSON (0045916)
ACLU of Ohio
4506 Chester Avenue
Cleveland, Ohio 44103
Telephone: 216-472-2220
flevenson@acluohio

steven.voigt@ohioattorneygeneral.gov
heather.buchanan@ohioattorneygeneral.gov

*Counsel for Defendant Secretary of State Jon
Husted*

DANIEL P. TOKAJI*
Cooperating Attorney for ACLU of Ohio
The Ohio State University
Moritz College of Law**
55 W. 12th Ave
Columbus, OH 43210
Telephone: 310-266-0402
dtokaji@gmail.com

RICHARD SAPHIRE (0017813)
Cooperating Attorney for ACLU of Ohio
University of Dayton School of Law**
300 College Park
Dayton, Ohio 45469
Telephone: 937-229-2820
rsaphire1@udayton.edu

PAUL MOKE (0014099)
Cooperating Attorney for ACLU of Ohio
Wilmington College**
1252 Pyle Center
Wilmington, Ohio 45177
Telephone: 937-725-7501
paul.moke@gmail.com

Counsel for Plaintiffs

* *Admitted pro hac vice*

** *Institutional affiliation for the purpose of identification only*

Dated:
7/31/18

IT IS SO ORDERED

/s/ George C. Smith

GEORGE C. SMITH
UNITED STATES DISTRICT JUDGE